

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

**THIS DOCUMENT APPLIES TO  
PLAINTIFF(S):**

Pertains To Civil Action No.:  
13md2452-AJB-MDD

MARION GORDON, INDIVIDUALLY,  
AND AS ADMINISTRATRIX OF THE  
ESTATE OF JOHN GORDON, DECEASED

In Re: Incretin-Based Therapies  
Products Liability Litigation

**Plaintiff**

V.

- AMYLIN PHARMACEUTICALS, LLC,
  - ELI LILLY AND COMPANY,
  - MERCK SHARP & DOHME CORP.,
  - NOVO NORDISK INC.,

(Check all the above that apply)

## Defendants

## **SHORT FORM COMPLAINT FOR DAMAGES**

COMES NOW the Plaintiff(s) named herein, and for Complaint against the Defendants named herein, incorporates and fully adopts the Master Form Complaint (the “Master Complaint”) in MDL No. 2452 by reference. Plaintiff(s) further shows the Court as follows:

## JURISDICTION AND VENUE

1. Jurisdiction in this Complaint is based on:

- Diversity of Citizenship

Other (As set forth below, the basis of any additional ground for jurisdiction must be pleaded in sufficient detail as required by the applicable Federal Rules of Civil Procedure):

2. District Court and Division in which you might have otherwise filed absent the direct filing order entered by this Court: Twin Falls County Courthouse, Civil Division

3. Plaintiff(s) further adopts the allegations contained in the following paragraphs of the Jurisdiction and Venue section of the Master Complaint:

- Paragraph 10;
  - Paragraph 11;
  - Paragraph 12;
  - Paragraph 13;
  - Paragraph 14;
  - Paragraph 15; and/or

Other allegations as to jurisdiction and venue (Plead in sufficient detail in numbered paragraphs (numbered to begin with 3(a)) as required by the applicable Federal Rules of Civil Procedure): \_\_\_\_\_

## PLAINTIFF/INJURED PARTY INFORMATION

4. Injured/Deceased Party's Name: John Gordon (the "Injured Party").

5. Any injury (or injuries) suffered by the Injured Party in addition to those injuries related to the Injured Party's Pancreatic Cancer, which is alleged to have been caused by the drug(s) ingested as set forth below (put "None" if applicable): None

6. Injured Party's spouse or other party making loss of consortium claim:  
Marion Gordon, surviving spouse

7. Other Plaintiff(s) and capacity, if Injured Party is deceased or otherwise incapacitated (i.e., administrator, executor, guardian, representative, conservator, successor in interest): \_\_\_\_\_

8. City(ies) and State(s) of residence of Injured Party at time of ingestion of the Drug(s): Twin Falls, Idaho

9. City and State of residence of Injured Party at time of pancreatic cancer diagnosis (if different from above): \_\_\_\_\_

10. City and State of residence of Injured Party at time of diagnosis of other Injury(ies) alleged in Paragraph 5 (if different from above): \_\_\_\_\_

11. If applicable, City and State of current residence of Injured Party (if different from above): \_\_\_\_\_

12. If applicable, City and State of residence of Injured Party at time of death (if different from above): \_\_\_\_\_

13. If applicable, City and State of current residence of each Plaintiff, including any Consortium and or other Plaintiff(s) (i.e., administrator, executor, guardian, representative, conservator, successor in interest): Twin Falls, Idaho - Marion Gordon, surviving spouse and personal representative

14. Check box(es) of product(s) (the "Drugs") for which you are making claims in this Complaint:

Byetta. Dates of use: \_\_\_\_\_

Januvia. Dates of use: February 18, 2016 – October 18, 2018

Janumet. Dates of use: \_\_\_\_\_

Victoza. Dates of use: \_\_\_\_\_

15. Date of pancreatic cancer diagnosis: October 31, 2018

16. If applicable, date of other injuries alleged in Paragraph 5: \_\_\_\_\_

## **DEFENDANTS NAMED HEREIN**

(Check Defendants against whom Complaint is made)

 Amylin Pharmaceuticals, LLC

Eli Lilly and Company

 Merck Sharp & Dohme Corp.

1                    Novo Nordisk Inc.  
2  
3

4                   **CAUSES OF ACTION**

5                   (Counts in the Master Complaint brought by Plaintiff(s))  
6  
7

- 8                    Count I – Strict Liability – Failure to Warn  
9                    Count II – Strict Liability – Design Defect  
10                   Count III – Negligence  
11                   Count IV – Breach of Implied Warranty  
12                   Count V – Breach of Express Warranty  
13                   Count VI – Punitive Damages  
14                   Count VII – Loss of Consortium  
15                   Count VIII – Wrongful Death  
16                   Count IX – Survival Action  
17                   Other Count(s): \_\_\_\_\_  
18  
19

20                  Plead factual and legal basis for any Other Count(s) in separately numbered  
21                  Paragraphs (beginning with Paragraph 18) that provide sufficient information  
22                  and detail to comply with the applicable Federal Rules of Civil Procedure.  
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## PRAYER FOR RELIEF AND, AS APPLICABLE,

## PRAYER FOR RELIEF FOR SURVIVAL AND WRONGFUL DEATH

WHEREFORE, Plaintiff(s) pray(s) for relief as set forth in the Master Complaint filed in MDL No. 2452.

## JURY DEMAND

Plaintiff(s) hereby  demands  **does not** demand a trial by jury on all issues so triable.

Dated: July 27, 2020

RESPECTFULLY SUBMITTED,

/s/ Thomas F. Yost, Jr.

Thomas F. Yost, Jr.

(FED 05487)

## **THE YOST LEGAL GROUP**

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